THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25037of 2005

Dated: 28.11.2005

Between:

M.Ramulu

..... PETITIONER

AND

Andhra Pradesh state road transport

Corporation, vizianagaram Region,

Rep. by its Regional Manager

and others

.....RESPONDENTS

O R D E R:

The petitioner was employed as a Conductor in the A.P.S.R.T.C. A check was effected on 23.12.2003, and it was found that the petitioner collected fare from two passengers but failed to issue tickets. Charge sheet was issued to him, and thereafter, departmental enquiry was conducted. The enquiry officer found that the charges levelled against the petitioner are proved. On the basis of the report of the enquiry officer, the 3rd respondent passed an order, dated 31.05.2004, removing the petitioner from service. Aggrieved thereby, the petitioner filed an appeal before the 2nd respondent and the appeal was rejected on 17.06.2004.

The petitioner availed the remedy of review before the 1st respondent. Through his order, dated 21.04.2005, the 1st respondent modified the punishment of removal of service to that of withholding of two increments with cumulative effect. Petitioner challenges the imposition of said punishment.

Sri G.Vidya Sagar, learned counsel for the petitioner submits that having regard to the explanation offered by the petitioner, the 1st respondent was convinced that this is a case for reinstatement of the petitioner. He points out that even after finding that this was the first instance through out fourteen years of service of the petitioner that he came to be removed, the 1st respondent imposed the major punishment of withholding of increments with cumulative effect.

Learned standing counsel for the respondents, on the other hand, submits that though major punishment of removal was imposed for the first time, on account of the said incident, a perusal of the order of the appellate authority discloses that he was imposed different kinds of punishment for as many as 26 times.

The petitioner was removed from service, on the basis of findings recorded by the enquiry officer to the effect that he collected fare but failed to issue tickets. The 1st respondent modified the punishment to the one of stoppage of increments with cumulative effect. It is true that even this is a major punishment. However, it needs to be observed that the 1st respondent did not take the view that there was no dereliction on the part of the petitioner. On the other hand, he too concurred with the finding that the petitioner failed to issue tickets even after collecting the fare. In a way, the 1st respondent has taken the lenient view against the petitioner. This court does not find any basis to interfere with the orders passed by the 1st respondent.

The writ petition is accordingly dismissed. There shall be no order as to costs.

29th November 2005

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